PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4

In re application of

Docket No: Q62325

Hironao TANAKA, et al.

Appln. No.: 09/737,780

Group Art Unit: 2858

Confirmation No.: 2483

Examiner: Unknown

Filed: December 18, 2000

For: ATM TEST EQUIPMENT OPERABLE AS SOURCE AND RESPONDER FOR CONDUCTING MULTIPLE TESTS

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

1. Japanese Unexamined Patent Application Publication No. 11-275079, published October 8, 1999.
2. Japanese Unexamined Patent Application Publication No. 5-244196, published September 21, 1993.
3. U.S. Patent No. 5,450,394 issued September 12, 1995.
4. Japanese Unexamined Patent Application Publication No. 9-139745, published May 27, 1997.

5. Japanese Unexamined Patent Application Publication No. 5-327753, published December 10, 1993.
6. Japanese Unexamined Patent Application Publication No. 9-238139, published September 9, 1997.
7. Japanese Unexamined Patent Application Publication No. 4-207544, published July 29, 1992.
8. Japanese Unexamined Patent Application Publication No. 7-87089, published March 31, 1995.
9. Japanese Unexamined Patent Application Publication No. 8-237258, published September 13, 1996.
10. Japanese Unexamined Patent Application Publication No. 5-344145, published December 24, 1993.
11. Japanese Unexamined Patent Application Publication No. 3-231537, published October 15, 1991.
12. Japanese Unexamined Patent Application Publication No. 5-191442, published July 30, 1993.
13. Japanese Unexamined Patent Application Publication No. 9-247160, published September 19, 1997.
14. Japanese Unexamined Patent Application Publication No. 8-307421, published November 22, 1996.

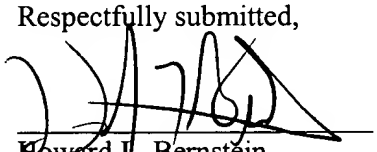
The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE)

under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action dated September 10, 2002 and an English translation of the pertinent portions thereof, which cites and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



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Date: November 6, 2002

Ref. Q62325

- Claims 1 through 8
- Publications
    1. Japanese Unexamined Patent Application Publication H11-275079
    2. Japanese Unexamined Patent Application Publication H5-244196

Remarks

{Claims 1 and 8} : Cited Example 1

In Cited Example 1 it is described, as a method of measuring service quality in an ATM network, that a measuring device adds and transmits information such as a time stamp to the information field of measurement cells, which are returned by an opposite node, said measurements cells being received by said measuring device, to determine the cell transfer latency and cell loss rate (cf. paragraph 0014 and paragraphs 0016 through 0020).

Thus, the inventions as per the aforementioned claims of the present application could have been easily conceived by a person skilled in the art based on the description in Cited Example 1.

{Claim 2} : Cited Example 1

Cited Example 1, in addition to the above, describes adding a sequence number to measurement cells for detecting cell loss (cf. paragraph 0025).

{Claims 3 through 5} : Cited Examples 1 and 2

Cited Example 1, in addition to the above, describes defining "OAM type" and "function type" in OAM cells and using that to identify measurement cells for the purpose of performing various types of measurements (cf. paragraph 0024 and Figure 6).

Cited Example 2 describes measuring bit error rate to determine service quality in an ATM network, and transmitting test OAM cells containing a PN pattern for that purpose. Here, whether the received PN pattern is to be returned as is at the opposite node which received the test OAM cell in question or if a new PN pattern is to be generated and returned is no more than something that would be suitably selected by a person skilled in the art depending on whether one wishes to measure the round-trip bit error rate or one-way bit error rate.

Therefore, applying Cited Example 2 to Cited Example 1 to add bit error rate as an item of service quality measurement in Cited Example 1 and using PN patterns as the corresponding measurement method, thereby arriving at the inventions as per Claims 3 through 5 of the present application, is something that could be easily conceived by a person skilled in the art.

{Claim 6} : Cited Example 1

Cited Example 1 describes writing the transfer latency time within the given device into measurement cells at each ATM switch (opposite node) (cf. paragraph 0019). Here, the transfer latency time is computed from the reception time and transmission time of the measurement cell, so in Cited Example 1, whether the transfer latency time is written or the test cell reception time and transmission time are written is no more than a matter which would be suitably selected by a person skilled in the art.

{Claim 7} : Cited Example 1

Performing time synchronization between nodes is something broadly and generally practiced in the technical field of communications.

Record of Prior Art Literature Search Results

- Fields searched: IPC 7th Edition H04L 12/56
- Prior art literature:
  US Patent No. 5450394 specifications
  Japanese Unexamined Patent Application Publication H9-139745
  Japanese Unexamined Patent Application Publication H5-327753
  Japanese Unexamined Patent Application Publication H9-238139
  Japanese Unexamined Patent Application Publication H4-207544
  Japanese Unexamined Patent Application Publication H7-87089
  Japanese Unexamined Patent Application Publication H8-237258
  Japanese Unexamined Patent Application Publication H5-344145
  Japanese Unexamined Patent Application Publication H3-231537
  Japanese Unexamined Patent Application Publication H5-191442
  Japanese Unexamined Patent Application Publication H9-247160
  Japanese Unexamined Patent Application Publication H8-307421

This Record of Prior Art Literature Search Results does not constitute a reason for rejection.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

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Complete if Known	
Application Number	09/737,780
Confirmation Number	2483
Filing Date	December 18, 2000
First Named Inventor	Hironao TANAKA
Art Unit	2858
Examiner Name	Unknown
Attorney Docket Number	Q62325

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number: Number	Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US 5,450,394	US	09/12/1995	Gruber et al.
		US			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document: Country Code[3]	Number[4]	Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation[6]
		JP	11-275079	A	10/08/1999		
		JP	5-244196	A	09/21/1993		
		JP	9-139745	A	05/27/1997		
		JP	5-327753	A	12/10/1993		
		JP	9-238139	A	09/09/1997		
		JP	4-207544	A	07/29/1992		
		JP	7-87089	A	03/31/1995		
		JP	8-237258	A	09/13/1996		
		JP	5-344145	A	12/24/1993		
		JP	3-231537	A	10/15/1991		
		JP	5-191442	A	07/30/1993		
		JP	9-247160	A	09/19/1997		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation[6]

Examiner Signature		Date Considered	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1]Applicant's unique citation designation number (optional). [2]See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to indicate here if English language Translation is attached.

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number	Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US			
		US			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]	Number[4]	Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation[6]
		JP	8-307421	A	11/22/1996		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation[6]

Examiner Signature		Date Considered	

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[1]Applicant's unique citation designation number (optional). [2]See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to indicate here if English language Translation is attached.